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Transcript of Lester Brown

Date: August 24, 2020

Case: Pursley -v- The City of Rockford, et al.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

- - - - - x
PATRICK PURSLEY, :
Plaintiff, :
vs: : Case No. 3:18-cv-50040
THE CITY OF ROCKFORD, :
et al., :
Defendants. :
- - - - - x

Deposition of LESTER BROWN
Conducted Virtually
Monday, August 24, 2020
11:30 a.m. CST

Job No.: PB316655
Pages: 1 - 105
Reported by: Pamela L. Beck

1 Deposition of LESTER BROWN, Conducted
2 Virtually:

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5 ** ALL PARTIES ATTENDED REMOTELY **
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8 Pursuant to Notice, before Pamela L. Beck,
9 Court Reporter and Notary Public in and for the
10 Commonwealth of Pennsylvania.
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1 P R O C E E D I N G S

2 REPORTER: Will counsel please stipulate
3 that in lieu of formally swearing in the witness,
4 the reporter will instead ask the witness to
5 acknowledge that their testimony will be true under
6 the penalties of perjury, that counsel will not
7 object to the admissibility of the transcript based
8 on proceeding in this way, and that the witness has
9 verified that he is, in fact, Lester Brown.

10 Do all counsel agree?

11 MS. LEFF: Stipulated on behalf of
12 Plaintiff.

13 MR. POTTINGER: Yes on behalf of the
14 State Defendants.

15 MR. IASPARRO: Yes, Mike Iasparro on
16 behalf of Defendants Schmidt, Hanson, Genens, Houde,
17 Gallardo, Bowman and Pobjecky.

18 MR. HUOTARI: And so stipulated by Joel
19 Huotari on behalf of Christine Bishop, Bruce Scott,
20 Doug Williams, Steve Pirages and Jim Barton.

21 MR. BHAVE: This is Sunil Bhave on behalf
22 of the Illinois State Police Defendants Dan Gunnell,
23 Peter Striupaitis and Jack Weltz. We do not have an
24 objection to the statements made by the court

1 reporter, and we do not object to the transcript
2 being produced in this manner.

3 However, just for the record, these three
4 ISP Defendants, we do object to the video recording
5 on Zoom of this deposition that is taking place for
6 the reasons that the ISP Defendants have stated in
7 their Motion for Protective Order that is pending
8 before the Court. The ISP Defendants do not
9 represent Mr. Brown, but they do lodge this
10 objection for purposes of preservation.

11 MR. MOGBANA: This is Ifeanyi Mogbana on
12 behalf of the City, we do not object to the court
13 reporter's statements.

14 REPORTER: Mr. Brown, do you hereby
15 acknowledge that your testimony will be true under
16 the penalties of perjury?

17 THE WITNESS: I do.

18 LESTER BROWN,
19 the witness herein, was examined and
20 testified under penalty of perjury as follows:

21 EXAMINATION

22 BY MS. LEFF:

23 Q Good morning, Mr. Brown. My name is
24 Alison Leff. I represent the Plaintiff in this

1 case, Patrick Pursley, and I'm going to be taking
2 your deposition today.

3 Would you please state and spell your
4 name for the record.

5 A Lester Brown, L-E-S-T-E-R, B-R-O-W-N,
6 middle initial T.

7 Q Mr. Brown, where do you live?

8 A [REDACTED]

9 [REDACTED]

10 Q Mr. Brown, as you know, we're doing this
11 deposition by Zoom today, so all counsel are
12 participating by video at separate locations and you
13 are in a separate location.

14 Where are you today?

15 A I'm on Park Avenue, 100 Park Avenue,
16 Rockford, Illinois. I guess the first place where I
17 did my first deposition for Patrick Pursley.

18 Q You're at Hinshaw's legal office, is that
19 right?

20 A Yes, I'm inside the meeting room.

21 Q So, because we are by Zoom, if you have
22 trouble hearing me at any time, please let me know,
23 and we will sort it out, make sure that you can hear
24 my questions. Okay?

1 A Yes.

2 Q I know you've been deposed before, but
3 I'm going to give you some ground rules just to make
4 sure that we're all on the same page today. Okay?

5 A Okay.

6 Q So, I'm going to ask you questions, and
7 you're going to be giving answers under oath just as
8 if you were in a courtroom. It's the same oath to
9 tell the truth.

10 If I ask a question that you don't
11 understand, please let me know, and I will try to
12 rephrase and make sure that you understand. Okay?

13 A Yes.

14 Q We have a court reporter who is taking
15 down your testimony today, so for that reason, it's
16 important that we don't talk over each other. So,
17 I'm going to wait until you finish your answer
18 before I ask my next question. And I'll ask that
19 you wait until I'm done with my questions before you
20 answer. Okay?

21 A Yes.

22 Q For the same reason, it's important that
23 you give verbal answers. If you shake or nod your
24 head, then the court reporter can't take down your

1 testimony. Okay?

2 A Yes.

3 Q From time to time, some of the attorneys
4 who are participating might object to one of my
5 questions, so they may interject and say that they
6 have an objection. You can answer the question
7 anyway unless you're instructed by anyone not to
8 answer. Okay?

9 A Yes.

10 Q The last thing is that if you want to
11 take a break at any time, just let us know, and
12 we'll take a break. We'll go off the record. The
13 only thing I ask is that if a question is pending,
14 that you answer the question before we take a break.
15 Okay?

16 A Okay. I don't want to take no breaks, I
17 just want to get this over with.

18 Q Understood. Mr. Brown, is there any
19 reason that you can't provide true answers to my
20 questions today?

21 A No.

22 Q Are you taking any medications that
23 affect your ability to tell the truth?

24 A No.

1 Q Are you taking any medications that
2 affect your memory?

3 A No.

4 Q Do you have any other problems with your
5 memory?

6 A No.

7 Q I want to start by asking you some
8 questions about your criminal history. Okay?

9 A Yes.

10 Q Now, you've been convicted of a number of
11 felonies, is that right?

12 A Yes.

13 Q You were convicted of theft in 1988?

14 A Yes.

15 Q And you were convicted of residential
16 burglary on November 11th, 1983, is that right?

17 A Yes.

18 Q And you were sentenced to four years for
19 that crime?

20 A Yes.

21 Q You were also convicted of felony theft
22 on January 27th, 1989, is that right?

23 A Yes.

24 Q And you were sentenced to four years for

1 that crime as well?

2 A Yes.

3 Q Then on November 11th of 1991, you were
4 convicted of possession of a controlled substance
5 with intent to deliver, is that right?

6 A Yes.

7 Q And you got a five-year sentence for that
8 crime?

9 A Yes.

10 Q Now, in September of 1993, you were
11 arrested for robbing a bank, is that right?

12 A Yes.

13 Q And for that, you were charged with a
14 federal crime, correct?

15 A Yes.

16 Q And ultimately pleaded guilty to that
17 bank robbery?

18 A Yes.

19 Q And you were sentenced to 15 and a half
20 years in prison, is that correct?

21 A Yes.

22 Q Now, on December 14th, 1993, you were
23 also arrested for a misdemeanor, disorderly conduct,
24 is that correct?

1 A I'm not sure.

2 Q You've been in a gang as well, is that
3 right?

4 A What did you say, ma'am?

5 Q I asked if you've also been affiliated
6 with a gang?

7 A Yes.

8 Q You've been a member of the Vice Lords?

9 A No.

10 Q What gang were you affiliated with?

11 A GDs.

12 Q Is that the Gangster Disciples?

13 A Yes.

14 Q Now, I want to ask you some questions
15 about what was going on in your life when you
16 offered to cooperate against Patrick Pursley. Okay?

17 A Yes.

18 Q So, in 1993, Patrick Pursley was someone
19 who you had known for a long time, right?

20 A Yes.

21 Q And you had known him about seven years,
22 is that true?

23 A Yes, or a little longer.

24 Q Did you say or a little longer?

1 A Yes.

2 Q And you had been to his house?

3 A Yes.

4 Q And you knew his girlfriend, Samantha,
5 right?

6 A Yes.

7 Q And you also knew that Patrick was
8 arrested in June of 1993 for Andrew Ascher's murder,
9 is that correct?

10 A Yes.

11 Q And you knew that Patrick was in jail
12 awaiting trial?

13 A Yes.

14 Q Now, a few months after Patrick was
15 arrested, you were arrested for the bank robbery,
16 correct?

17 A Yes.

18 Q And when you were arrested, you were
19 still on parole for your 1991 conviction, correct?

20 A I'm not sure.

21 Q You don't recall?

22 A No.

23 Q Do you recall that your arrest was a
24 parole violation?

1 A I'm not sure.

2 Q You were charged with a federal crime for
3 the bank robbery, is that correct? I think you said
4 that already.

5 A Yes.

6 Q So, when you were arrested, you were
7 locked up in a federal jail, is that correct?

8 A No.

9 Q Where were you locked up?

10 A Winnebago County Jail.

11 Q And under the federal system, you
12 understood that the Federal Sentencing Guidelines
13 apply, is that right?

14 A Yes.

15 Q And you understand that under that
16 system, your recommended sentence is longer the
17 worse your criminal history is?

18 A Not at the time, no.

19 Q At the time you did not understand that?

20 A No.

21 Q Did you eventually come to understand
22 that?

23 A Yes.

24 Q When?

1 A Several months after I was incarcerated
2 in the Winnebago County Jail.

3 Q So, a few months after you were arrested
4 for the bank robbery, you came to understand that
5 under the Federal Sentencing Guidelines, your
6 sentence would be longer the worse your criminal
7 history is, is that fair?

8 A Yes.

9 Q In fact, in 1993, you had the highest
10 possible criminal history level under the Federal
11 Sentencing Guidelines, right?

12 A Yes.

13 Q You were considered Category VI?

14 A Yes.

15 Q And that's a career offender, correct?

16 A Yes.

17 Q So, you were facing a lot of prison time
18 in 1993, correct?

19 A Yes.

20 Q I'm sorry, did I cut you off?

21 A I said yes.

22 Q If you went to trial and lost in 1993,
23 you were facing 26 years in prison, right?

24 A I'm not sure.

1 Q What's your memory of what you were
2 facing?

3 A Twenty.

4 Q Twenty years. If you pleaded guilty, you
5 were facing 20 years, is that right?

6 A If I pleaded guilty, no. If I pleaded
7 guilty, I accept my own responsibility. I was
8 facing 15 and a half years.

9 Q And you had young children at the time,
10 right?

11 A Yes.

12 Q And you didn't want to miss your kids'
13 childhood, right?

14 A No.

15 Q Let me ask that again so I make sure we
16 understand the question.

17 It's true, isn't it, that you did not
18 want to miss your children's childhood? Is that
19 true?

20 A No, I did not. Yes.

21 Q And you had a wife at the time, correct?

22 A Yes.

23 Q And you feared that your wife would leave
24 you if you went to prison for a long time, correct?

1 A No.

2 Q I'm going to show you a document which
3 I'm going to ask the court reporter to mark as
4 Lester Brown Exhibit 2.

5 (Exhibit 2 was marked for
6 identification.)

7 Q Mr. Brown, can you see Exhibit 2?

8 A Yeah, a little bit. My eyes are kind of
9 bad.

10 Q Did you say your eyes were bad?

11 A Yeah. I can see a little bit, though.

12 Q Okay. Do you recognize Exhibit 2?

13 A No, not really. I can't really see it.
14 If you can blow it up, I probably can.

15 MS. LEFF: Let me just say for the
16 record, Exhibit 2 is a three-page document that
17 begins with Bates label FBI Subpoena Response
18 000099.

19 Q I'm going to blow it up a little bit.
20 Can you see the exhibit better now?

21 A A little bit.

22 Q Do you recognize this as your
23 handwriting?

24 A Yes.

1 Q This is a letter that you wrote to the
2 state's attorney, is that correct?

3 A Yes.

4 Q I'm going to read from the top, and I'll
5 ask you to follow along. It says: Mr. Cowski, to
6 Mr. Cowski, I'm writing you in regards to me
7 testifying against -- sorry, to me testifying for
8 the state against Patrick Pursley and in regard to
9 my credit or sentence you and state marshal attorney
10 came up with.

11 Did I read that correctly?

12 A Yes.

13 Q And then a little bit down from there in
14 the highlighted portion, you write: You all want to
15 put Patrick to death, and I feel I can help
16 100 percent.

17 Did I read that correctly?

18 A Yes.

19 Q Then looking at the center of the page,
20 it says: You all are not looking at what I have to
21 lose. You give me 15 and a half, there's a chance
22 my wife will divorce me.

23 Did I read that correctly?

24 A Yes.

1 Q So, is it fair to say that at the time
2 that you offered to cooperate with Patrick, you were
3 afraid that your wife would divorce you if you got a
4 long sentence, is that true?

5 A I guess. That was a long time ago. I
6 guess. I don't remember that, but I guess, yes,
7 because that is my handwriting.

8 Q So, at the same time that you were in
9 jail in 1993, you knew that Patrick Pursley was in
10 jail too, right?

11 A Yes.

12 Q And you owed Patrick money, is that
13 correct?

14 A Yes.

15 Q You owed him \$3,000?

16 A Yes, or more.

17 Q And Patrick was calling your house,
18 right?

19 A Yes.

20 Q He was asking your wife for the money you
21 owed him?

22 A He was -- let me remind you, he was
23 calling my house before he had got arrested and was
24 telling me to bring him his money and his

1 walkie-talkie that I had of his.

2 Q And you were angry at Patrick at the time
3 when you were in jail, is that correct?

4 A No.

5 Q And you didn't like Patrick very much,
6 did you?

7 A Me and Patrick was friends for, like,
8 eight, nine years.

9 Q At the time that you were in jail in
10 1993, were you still friends with Patrick?

11 A No.

12 Q By that time you were no longer friends,
13 right?

14 A No.

15 Q No, you were not friends?

16 A No.

17 Q So, when you were in jail in 1993, you
18 decided to write a letter to the prosecutor, is that
19 right?

20 A Yes.

21 Q And you wanted to make a deal, right?

22 A No. I wanted to set my responsibility
23 for my part on my case that I was arrested for.

24 Q So, you weren't looking to make a deal

1 with the prosecutor?

2 A I was looking to set my responsibility
3 and get a reduction for accepting my responsibility,
4 yes.

5 Q So, you were looking to get a reduction
6 in your sentence from the prosecutor, is that right?

7 A Yes.

8 Q You wanted to see if you could get less
9 time in prison in exchange for giving the prosecutor
10 information against Patrick, correct?

11 A Yes.

12 Q So, now I want to ask you some questions
13 about the agreement you made with the prosecutors.
14 Okay?

15 So, because of your letter, you had a
16 meeting with the prosecutor, correct? Is that
17 correct?

18 A Yes.

19 Q The guard came to get you from your cell,
20 right?

21 A Yes, they came and got me from my cell.

22 Q And you went to a room to meet with the
23 prosecutor, right?

24 A Yes, with my attorney.

1 Q Your public defender was there, right?

2 A Yes.

3 Q And the federal prosecutor, correct?

4 A Yes.

5 Q And you did make a deal, right?

6 A I gave a statement. I didn't make no
7 deal right then and there, no.

8 Q Well, you entered into a plea agreement,
9 correct?

10 A I'm not sure.

11 Q You don't know whether you entered a plea
12 agreement?

13 A No. I know I gave a statement about
14 Patrick.

15 Q Did you plead guilty to the bank robbery?

16 A Not that day, no.

17 Q Did you eventually plead guilty to the
18 bank robbery?

19 A Yes.

20 Q And did you eventually agree to cooperate
21 with the state to help convict Patrick Pursley of
22 murder?

23 A Yes.

24 Q And in exchange, you got two things from

1 the prosecutor, right?

2 A Two things, what were they?

3 Q First, the federal prosecutor agreed to
4 recommend a lower sentence for you, correct?

5 A Yes, I got a reduction, yes.

6 Q Instead of the 20 years, you got 15 and a
7 half years, right?

8 A Yes.

9 Q And second, Winnebago County dismissed
10 the disorderly conduct charge against you, correct?

11 A I'm not sure.

12 Q You don't recall that?

13 A No.

14 Q And you held up your end of the deal,
15 correct?

16 A Yes.

17 Q And you gave a statement to the Rockford
18 Police about Patrick Pursley, right?

19 A Yes.

20 Q And that was in December of 1993?

21 A Yes.

22 Q You gave the statement to Detective
23 Howard Forrester, is that right?

24 A Yes.

1 Q And under your deal, you also agreed to
2 testify against Patrick, correct?

3 A Yes.

4 Q And you did testify at Patrick Pursley's
5 sentencing hearing, correct?

6 A Yes.

7 Q That was on July 15th of 1994?

8 A Yes.

9 Q I want to ask you some questions about
10 the substance of the information that you gave the
11 state to be used against Patrick. Okay? Do you
12 understand?

13 A Yes.

14 Q You went to see Patrick in jail after he
15 was arrested, correct?

16 A Yes.

17 Q You saw him on June 27th, 1993, is that
18 right?

19 A Yes.

20 Q I'm going to show you a document that
21 I'll ask the court reporter to mark as Lester Brown
22 Exhibit 3.

23 (Exhibit 3 was marked for
24 identification.)

1 MS. LEFF: For the record, this is a
2 six-page document that begins with Bates label RFD
3 Defense 000283.

4 BY MS. LEFF:

5 Q Can you see the document, Mr. Brown?

6 A Barely yes. A little bit.

7 Q I'll zoom in a little bit. Do you
8 recognize this as the witness statement that you
9 gave to the Rockford Police Department on
10 December 29th, 1993?

11 A Yes.

12 Q Looking at the bottom of the first page,
13 is that your signature on the line that says signed?

14 A Yes.

15 Q And did you date the document 12-29-1993?

16 A Yes.

17 Q I'm just going to scroll through the
18 document and ask you to take a look at the
19 highlighted initials. Are those your initials
20 before and after each paragraph of the statement?

21 A Yes.

22 Q So, you claim in this statement that's
23 Exhibit 3 that Patrick told you that Marvin Windham
24 called Crime Stoppers, is that correct?

1 A No, that's not correct. I don't remember
2 the last name Windham, I just remember the name
3 Marvin.

4 Q So, you claim that Patrick told you that
5 Marvin called Crime Stoppers?

6 A Yes.

7 Q And you also claim that Patrick told you
8 that Marvin told Crime Stoppers that Patrick
9 confessed to him about murdering Ascher, is that
10 correct?

11 A Yes.

12 Q And you claim that Patrick asked you to
13 kill Marvin Windham, is that correct?

14 A Yes.

15 Q Now, you did not contact the police with
16 that information after you visited Patrick in June
17 of 1993, did you?

18 A No.

19 Q You didn't tell the police in June that
20 Patrick killed Andrew Ascher, did you?

21 A No.

22 Q And you didn't tell the police in June
23 that Patrick was trying to kill Marvin, did you?

24 A No.

1 Q And you didn't go to the police in July
2 either, correct?

3 A No.

4 Q You didn't go in August either?

5 A No.

6 Q And you also did not go in September,
7 correct?

8 A That's when I got arrested. I'm not
9 sure.

10 Q You never gave any of this information to
11 the police until December of 1993, correct?

12 A I'm not sure.

13 Q Did you make a statement to police before
14 the statement that we just looked at?

15 A I don't recall.

16 Q You don't recall ever making a statement
17 to the police until the statement that we just
18 looked at, right?

19 A I don't recall. The only thing I recall
20 is making a statement.

21 Q The only thing you recall is the
22 statement that we just looked at that you made in
23 December, correct?

24 A Yes.

1 Q And at that time you were locked up
2 yourself, correct?

3 A Yes.

4 Q Now, I want to ask you some questions
5 about where you got the information that you gave to
6 Patrick -- I'm sorry, that you gave to the police
7 about Patrick Pursley. Okay?

8 A Yes.

9 Q Before you made your statement in
10 December of 1993, you saw on the news that Patrick
11 Pursley had been arrested for murder, correct?

12 A No.

13 Q That's not correct?

14 A No. I heard it from Samantha, his
15 girlfriend, that he had got arrested. And then I
16 think I read about it in the newspaper.

17 Q Okay. So, first you heard from Samantha
18 Crabtree that Patrick Pursley had been arrested?

19 A Yes.

20 Q When was that?

21 A Around the time that he got arrested.
22 I'm not sure.

23 Q Around June of 1993?

24 A It could have been. I'm not sure, but I

1 know it was around that time, shortly after he got
2 arrested.

3 Q And then you next learned about it on the
4 news, is that right?

5 A Yes, later on.

6 Q When was that?

7 A Maybe a few weeks after that.

8 Q So, before you were arrested yourself,
9 correct?

10 A What was that? Repeat that.

11 Q At some point before you were arrested,
12 you heard on the news that Patrick Pursley had been
13 arrested for Andrew Ascher's murder, correct?

14 A Yes.

15 Q And you also heard about Patrick's arrest
16 on the street, correct?

17 A Yes.

18 Q And in the news report, you learned where
19 the Ascher murder took place, correct?

20 A No.

21 Q Where did you learn -- strike that.

22 A I didn't learn, I --

23 Q Let me ask you a question. From the news
24 report, you knew that the killer wore a ski mask,

1 correct?

2 A No.

3 Q You also read in the newspaper that the
4 killer told the victim, give me your wallet. Did
5 you see that in the newspaper?

6 A I don't recall.

7 Q Any reason to think you didn't see that
8 in the newspaper?

9 A It's been awhile. I don't recall reading
10 that in the newspaper at all.

11 Q What do you recall about the news? Did
12 you see it on television news or in a newspaper
13 article?

14 A I think television news.

15 Q So, at the time that you gave your
16 statement to the police in December of 1993, you had
17 heard about the crime from Samantha Crabtree, you
18 had heard about the crime on the street, and you had
19 seen a reporting about the crime on television,
20 correct?

21 A Yes.

22 Q You claim in your statement to the
23 Rockford Police that Samantha Crabtree told you that
24 Patrick and Andrew Ascher were arguing, is that

1 correct?

2 A I don't remember that.

3 Q Are you aware that Andrew Ascher's
4 girlfriend, who was also in the car during the
5 murder, said that the killer only spoke to him when
6 he first captured him.

7 Are you aware of that?

8 A Briefly, yeah, from off of the TV.

9 Q Did Detective Forrester tell you what to
10 put in the statement that you gave to him in
11 December of 1993?

12 A No.

13 Q Did you just make up the facts that you
14 put in that statement?

15 A No.

16 Q Well, later in that statement, you say
17 that you called Samantha Crabtree from jail,
18 correct?

19 A No, I called Samantha from the street,
20 not from jail. I talked to her sister, Theresa
21 Crabtree, who I used to date.

22 Q Did you tell the Rockford Police that you
23 called Samantha Crabtree from jail?

24 A I don't remember.

1 Q Let me show you Exhibit 3 again. Do you
2 see the highlighted portion? It says: After I had
3 been in jail for about two to three days, I called
4 Samantha to have her go and get the money I hid. I
5 gave her directions, and she later told me that she
6 could not find it.

7 Do you see that?

8 A Yes. I told her about the money, to go
9 look for the money, but I don't remember me talking
10 to her on the phone, but I guess I did. It's been
11 so long. That's been over 20 years. But I recall
12 it from the statement that I wrote.

13 Q So, you told the police that you called
14 Samantha Crabtree from jail, correct?

15 A Yes, on a three-way.

16 Q And you told the police that you asked
17 Samantha Crabtree to get money that you hid,
18 correct?

19 A Yes, to give to Patrick, yes.

20 Q And that's not true, is it?

21 A Yes, that's true.

22 Q By that time the police had the money
23 that you had stolen, didn't they?

24 A They found it later on down the road.

1 Q In fact, when you were arrested, didn't
2 you immediately direct the police to the stolen
3 money?

4 A No.

5 Q When did the police find the money that
6 you had stolen from the bank robbery?

7 A After I gave them the statement about
8 Patrick. I told them -- when I accepted my
9 responsibility, I told them where the money and
10 everything was at, then they went afterwards and
11 found it.

12 Q Are you talking about the -- which
13 statement are you talking about?

14 A When I first cooperated, had the first
15 meeting about Patrick with my lawyer and them. When
16 they came and got me from the jail, I told them
17 where the money was at.

18 Q Was that before or after you called
19 Samantha Crabtree?

20 A I can't remember. It had to be after
21 because they found the money, so it couldn't have
22 been -- I mean, it had to be after, because if I
23 would have told them beforehand, why would I tell
24 the police that somebody afterward found the money?

1 Q But Samantha didn't find the money, did
2 she?

3 A No.

4 Q Even though you gave her directions, you
5 say you gave her directions, correct?

6 A Yes.

7 Q But the police did find the money, right?

8 A Yes.

9 Q You gave them the same directions you
10 gave to Samantha, correct?

11 A Yes.

12 Q The police already had the money when you
13 gave Samantha the directions, didn't they?

14 A No.

15 Q I want to ask you some questions about
16 your relationship with Detective Howard Forrester
17 when you made a statement against Patrick. Okay?
18 Do you understand?

19 A Yes.

20 Q This is your second deposition in this
21 case, right?

22 A Yes.

23 Q You gave a deposition in October of last
24 year, correct?

1 A Yes.

2 Q And during that deposition, one of the
3 Defendant's lawyers asked you if you knew Detective
4 Howard Forrester before you made your statement in
5 the Ascher case in 1993.

6 Do you remember that?

7 A Yes.

8 Q And you said that you did not know
9 Detective Howard Forrester before 1993, is that
10 right?

11 A Yes.

12 Q You said you didn't recall meeting him,
13 right?

14 A Correct.

15 Q You actually had met Howard Forrester
16 before 1993, correct?

17 A No.

18 Q Did you talk to Detective Howard
19 Forrester in 1989?

20 A Not to my knowledge, no.

21 Q I'm going to show you what I'll ask the
22 court reporter to mark as Brown Exhibit 4.

23 (Exhibit 4 was marked for
24 identification.)

1 MS. LEFF: For the record, this is a
2 three-page document that begins with Bates label
3 PURSLEY 014213.

4 Q Mr. Brown, can you see Exhibit 4?

5 A Yes, a little.

6 Q Do you recognize Exhibit 4?

7 A Not really, just a little bit I can see.
8 My eyes are bad.

9 Q I'm going to scroll through it so you can
10 take a look at all three pages.

11 So, do you agree that Exhibit 4 appears
12 to be a statement that you gave to the Rockford
13 Police in February of 1989?

14 A What was this case pertaining?

15 Q Do you see your name up at the top, it
16 says I, Lester T. Brown, age 23? Do you see that?

17 A Yes.

18 Q And down at the bottom where it says
19 signed, is that your signature?

20 A Yes.

21 Q And just like at the last statement we
22 looked at, do you see your initials before and after
23 every paragraph of the statement?

24 A Yes.

1 Q And did you sign the second page as well?

2 A Yes.

3 Q And up at the top, it says: Have been
4 advised by Officers William Doner and Howard
5 Forrester that they are police officers representing
6 the City of Rockford, Illinois.

7 Do you see that?

8 A Yes. I know who Detective Doner is.

9 Q Okay. Does that refresh your memory that
10 you, in fact, did talk to Howard Forrester in
11 February of 1989?

12 A No, but I do remember talking to
13 Detective Doner.

14 Q Do you deny that you talked to Howard
15 Forrester in February of 1989?

16 A I do not remember this guy. I remember
17 Detective Doner.

18 Q I'm going to read you just the first
19 paragraph, and I'll ask you to follow along. It
20 says: About a week ago last with week, I was
21 walking in Blackhawk Projects in the afternoon about
22 11 or 12. I saw Patrick in the blue Sunbird. I
23 stopped him and got into his car and went over to my
24 place on Birch Court, and we talked for about 15

1 minutes and the Patrick left in the car. Patrick's
2 street name is Riff Raff.

3 Do you see that?

4 A Yes.

5 Q So, do you agree that in 1989, you talked
6 to Detective Doner about Patrick Pursley, is that
7 right?

8 A Yes.

9 Q And you don't recall whether Howard
10 Forrester was there at the time?

11 A No, I do not.

12 Q I want to direct your attention to the
13 third page of Exhibit 3 where it says your rights up
14 at the top. Do you see that?

15 A Yes.

16 Q Do you see the two witness signatures
17 down at the bottom?

18 A Yes.

19 Q One is Detective Doner. Do you see that?

20 A Yes.

21 Q And the other is Howard Forrester. Do
22 you see that?

23 A Yes.

24 Q Does that refresh your memory that you

1 made statements about Patrick Pursley to Howard
2 Forrester in front of Howard Forrester in 1989?

3 MR. POTTINGER: Object to the form of the
4 question. This is Robert Pottinger, I object to the
5 form of the question.

6 Q You can answer.

7 A No, I specifically remember Detective
8 Doner because we got a relationship. I don't
9 remember this other detective at all.

10 Q What was your relationship with Detective
11 Doner?

12 A He knew me from being a gang member. He
13 used to always try and arrest me for selling drugs.

14 Q Do you know if Detective Doner was on the
15 Rockford Police Force in 1993?

16 A No.

17 Q When was the last time that you recall
18 speaking with Detective Doner?

19 A This statement right here.

20 Q You never talked to him again after 1989?

21 A No.

22 Q In 1993, Howard Forrester took your
23 statement, correct?

24 A Yes, I guess, yes.

1 Q Do you remember that Detective Forrester
2 asked you to say your statement out loud to him
3 before he wrote anything down? Do you remember
4 that?

5 A No, I can't remember that, no.

6 Q Do you remember talking to Howard
7 Forrester for about an hour before he wrote anything
8 down?

9 A Not specifically the time. I just
10 remember talking to him, I don't remember how long
11 it was, no.

12 Q If Howard Forrester put that in his
13 report, that he talked to you for an hour before he
14 wrote anything down, do you have any reason to think
15 that's not true?

16 MR. POTTINGER: Object to the form of the
17 question. This is Robert Pottinger.

18 Q You have no reason to think that's not
19 true?

20 A I'm not sure.

21 Q During the time that you talked to Howard
22 Forrester, did anybody make a video recording of
23 your conversation?

24 A I don't remember. I can't recall.

1 Q Did anybody make an audio recording, like
2 a tape recording of your conversation?

3 A I don't recall.

4 Q When you first met with Howard Forrester
5 in 1993 to make your statement against Patrick
6 Pursley, was the state's attorney in the room with
7 you?

8 A Yes.

9 Q And did the state's attorney eventually
10 leave the room?

11 A No.

12 Q When you signed your statement -- strike
13 that.

14 When Detective Forrester wrote your
15 statement down, was the state's attorney in the
16 room?

17 A Yes, everyone.

18 Q Who is everyone?

19 A My attorney and the state's attorney and
20 the detective.

21 Q Were you ever alone in the room with
22 Howard Forrester when you made your statement
23 against Patrick Pursley in 1993?

24 A No.

1 Q Detective Forrester typed out the
2 statement that you made, correct?

3 A I don't know. I just know I signed it.

4 Q Did you type it yourself?

5 A No, I didn't type it, but I know I -- the
6 paper was gave to me, I don't know who typed it.

7 Q Was it typed up in front of you?

8 A I don't recall. The only thing I know is
9 the statement was gave to me, and I read it
10 thoroughly, signed my initials under oath that
11 everything was true. That's the only thing I
12 remember.

13 Q And you don't recall whether it was typed
14 in another room and brought to you or whether it was
15 typed in front of you?

16 A No, I don't remember.

17 Q It took more than two hours to prepare
18 your statement, correct?

19 A I don't remember how much time it was.

20 Q If Howard Forrester reported that your
21 statement was taken between 10:50 a.m. and 12:52
22 p.m., do you have any reason to dispute that?

23 MR. POTTINGER: This is Robert Pottinger.
24 I object to the form of the question, foundation.

1 Q Did you answer no?

2 A I'm not sure.

3 Q Do you have any memory of how long it
4 took?

5 A No.

6 Q I want to ask you some questions now
7 about what you actually know about Andrew Ascher's
8 killer. Okay?

9 A I don't know nothing about him.

10 Q You weren't present when Andrew Ascher
11 was murdered, were you?

12 A No.

13 Q You didn't see the shooting?

14 A No.

15 Q Patrick never told you personally that he
16 killed Andrew Ascher, correct?

17 A Correct.

18 Q You don't actually know who killed Andrew
19 Ascher, right?

20 A No.

21 Q That's correct, isn't it?

22 A Yes.

23 Q So, we talked about what you got from
24 cooperating with the government against Patrick

1 Pursley in 1993. Now I want to ask you about the
2 claims that you're making today. Okay?

3 A Yes.

4 Q You still claim that you told the truth
5 about Patrick Pursley in your statement to the
6 Rockford Police in 1993, right?

7 A Yes.

8 Q And you claim that you told the truth
9 when you testified at Patrick's sentencing hearing
10 in 1994, correct?

11 A Yes.

12 Q Again, you were required to make
13 statements against Patrick by your plea agreement,
14 correct?

15 MR. HUOTARI: I'll object to the form of
16 that question. This is Joel Huotari speaking.

17 A Yes.

18 MR. IASPARRO: I'll join in that
19 objection. Mike Iasparro.

20 MR. MOGBANA: The City joins the
21 objection.

22 Q I'll show you what I'm going to ask the
23 court reporter to mark as Brown Exhibit 5, is that
24 correct?

1 REPORTER: Yes.

2 (Exhibit 5 was marked for
3 identification.)

4 MS. LEFF: For the record, this is a
5 two-page document with Bates label FBI Subpoena
6 Response 000146 is the first page.

7 BY MS. LEFF:

8 Q Mr. Brown, can you see Exhibit 5?

9 A Barely.

10 Q Do you recognize the exhibit?

11 A I barely can see it, but if you read it
12 to me, I could probably --

13 Q Okay. So, you agree it appears to be a
14 letter from the U.S. Department of Justice. That's
15 the letterhead at the top. Do you see that?

16 A Yes.

17 Q And it was sent by fax on January 13th,
18 1994 from the U.S. Attorney's Office. Do you see
19 that?

20 A Yes.

21 Q The letter is addressed to Mark R.
22 Danielson, Esquire. Do you see that?

23 A Yes.

24 Q That's your attorney, correct?

1 A Yes.

2 Q And the subject is United States v.
3 Lester T. Brown, 93 CR 20035. Do you see that?

4 A Yes.

5 Q That's your 1993 criminal case for
6 robbery, correct?

7 A Yes.

8 Q The letter says: Dear Mr. Danielson, as
9 you know, your client, Lester T. Brown, and another
10 individual have been indicted on charges of
11 aggravated bank robbery and use of a firearm during
12 a crime of violence. In addition, your client has
13 been charged with knowingly possessing a firearm as
14 a convicted felon. Of course the government
15 welcomes any information that may aid it in the
16 prosecution of this case.

17 Accordingly, the government seeks a
18 proffer of the testimony of your client, Lester T.
19 Brown, regarding any knowledge your client may have
20 of the facts underlying this matter or related
21 matters.

22 Did I read that correctly?

23 A Yes.

24 Q I'm going to show you the last page of

1 this Exhibit 6 where it says acknowledgment. Do you
2 see your attorney's signature at the center of the
3 page?

4 A Yes.

5 Q And then below that, do you see your
6 signature?

7 A Yes.

8 Q Do you agree that's your signature?

9 A Yes.

10 Q And you dated the document 12-1-1993?

11 A Yes.

12 Q I'm going to direct your attention, then,
13 back to page 3 -- I'm sorry, the first page, which
14 is FBI Subpoena Response 000146. It says: The
15 government is completely free to pursue any and all
16 investigative leads derived in any way from the
17 proffer, which could result in the acquisition of
18 evidence admissible against your client in
19 subsequent proceedings.

20 Furthermore, if your client should
21 subsequently testify contrary to the substance of
22 the proffer or otherwise present a position
23 inconsistent with the proffer, nothing shall prevent
24 the government from using the substance of the

1 proffer at sentencing for any purpose, at trial for
2 impeachment or in rebuttal testimony, or in a
3 prosecution for perjury.

4 Did I read that correctly?

5 A Yes.

6 Q So, in other words, if you change your
7 story about Patrick, the government could charge you
8 with perjury, correct?

9 A I assume.

10 Q That's a crime, right?

11 A Yes.

12 Q You can go to jail for perjury, right?

13 A Yes, but not that long.

14 Q You testified before that you eventually
15 did sign a plea agreement, correct?

16 A Yes.

17 Q I'm showing you what I'm going to ask the
18 court reporter to mark as Exhibit 6.

19 (Exhibit 6 was marked for
20 identification.)

21 MS. LEFF: This is a 16-page document
22 that begins with Bates label FBI Subpoena Response
23 000015.

24 Q Do you see Exhibit 6, Mr. Brown?

1 A Barely.

2 Q Do you recognize Exhibit 6 as the plea
3 agreement that you signed in your bank robbery case
4 in 1993? I'll scroll through the document so you
5 can see it.

6 A Yes.

7 Q Do you recognize it?

8 A Yes.

9 Q You read this document before you signed
10 it, correct?

11 A Yes.

12 Q And you understood it, correct?

13 A Yes.

14 Q Your lawyer helped you negotiate it,
15 correct?

16 A What do you mean by negotiate?

17 Q Did your lawyer help you work out this
18 deal with the prosecutor?

19 A Oh, yes.

20 Q And did your lawyer explain to you what
21 the deal meant?

22 A Yes.

23 Q Did your lawyer answer any questions that
24 you had?

1 A Yes.

2 Q In looking at page 16 at the bottom of
3 the exhibit, is that your signature on the signature
4 line?

5 A What did you say ma'am?

6 Q I said looking at the bottom of page 16,
7 is that your signature on the signature line?

8 A Yes.

9 Q I want to ask you to look at page 15.
10 I'm going to read from paragraph 18, and I'm just
11 going to ask you to follow along. It says:
12 Defendant understands that his compliance with each
13 part of this plea agreement extends throughout and
14 beyond the period of his sentence, and failure to
15 abide by any term of the plea agreement is a
16 violation of the agreement. He further understands
17 that in the event he violates this agreement, the
18 government, at its option, may move to vacate the
19 plea agreement rendering it null and void, and,
20 thereafter, prosecute the Defendant not subject to
21 any of the limits set forth in this agreement or to
22 resentence the Defendant.

23 The Defendant understands and agrees that
24 in the event this plea agreement is breached by the

1 Defendant, and the government elects to void the
2 plea agreement and prosecute the Defendant, any
3 prosecutions that are not time-barred by the
4 applicable statute of limitations on the date of the
5 signing of this agreement, may be commenced against
6 the Defendant in accordance with this paragraph,
7 notwithstanding the expiration of the statute of
8 limitations between the signing of this agreement
9 and the commencement of such prosecution.

10 Did I read that correctly?

11 A Yes.

12 Q So, in other words, you understand that
13 if you change your story from what you said in 1993
14 and 1994, you would be breaching your plea
15 agreement, correct?

16 A Yes.

17 Q And all of the information that you gave
18 the prosecutors could then be used against you,
19 correct?

20 A Yes.

21 Q And you could be resentenced for bank
22 robbery, right?

23 A Yes.

24 Q You could get the entire sentence,

1 correct?

2 A Yes.

3 Q You could end up spending many more years
4 in prison, right?

5 A I'm not sure. Because I accepted my own
6 responsibility for what I did in the bank robbery,
7 so I can't agree with you on that.

8 Q So, you made statements against Patrick
9 Pursley in 1993 and 1994, we know that, right?

10 A Yes.

11 Q And now you can't change those statements
12 without violating your plea agreement, correct?

13 A What do you mean I can't? Are you
14 talking about now?

15 Q Right.

16 MR. IASPARRO: I object to the form of
17 the question. Mike Iasparro.

18 A It would not harm me now. I have nothing
19 to gain from this right now. My case, I did my
20 time. I can't get sentenced no more, my time. I
21 just want to be honest and get this case over with,
22 and I'm telling the truth about everything.

23 Q Do you understand that your agreement,
24 your plea agreement extends beyond the period of

1 your sentence? Do you understand what that means?

2 A No.

3 Q Do you understand the language that I
4 just read to you?

5 A A little, not too much.

6 Q Do you understand that that language
7 means that if at any time you change your
8 statements, then your plea agreement would be null
9 and void, like it wouldn't exist?

10 Do you understand that?

11 MR. POTTINGER: This is Robert Pottinger.

12 Objection to the form of the question.

13 Q You understand that?

14 A I'm not sure.

15 Q Now, you're afraid that if you change
16 your statements from what you said in 1993, you
17 could get in trouble, right?

18 A That's not correct.

19 Q You're afraid of being charged with
20 perjury, right?

21 A Hello?

22 Q Did you hear my question?

23 A No, I did not. Repeat that.

24 Q Okay. My question is: You're afraid

1 that if you change your story from what you said in
2 1993, you could be charged with perjury, right?

3 A No, I wasn't aware of that.

4 Q You're afraid that -- you don't want any
5 trouble now, right?

6 A With whom?

7 Q With anyone.

8 A No, I'm not looking at -- no, I have no
9 reason to not have no trouble. I don't want -- no,
10 that's incorrect.

11 Q What's incorrect?

12 A About me having trouble with anyone.

13 Q Well, you don't want to get in any kind
14 of trouble with the prosecutor, right?

15 A Why would I get in trouble with the
16 prosecutor?

17 MR. POTTINGER: This is Robert Pottinger.
18 I object to the form of the question and foundation.

19 A That's not correct, no.

20 Q You do want to get in trouble with the
21 prosecutor?

22 A I said I do not have no problem with the
23 prosecutor, and I have no reason to get in trouble
24 with the prosecutor. So, no, that's not correct

1 what you're saying.

2 Q And you don't really want to be here
3 today at all, do you?

4 A Yes, I do want to be here. I want to get
5 this over with, want to get the truth over with.

6 Q You don't want to be involved in this
7 case, do you?

8 A Why not? I'm here. If that's the case,
9 I wouldn't be here.

10 Q Did you fail to show up for one of your
11 depositions in the past?

12 A Yes, I had problems. I had COVID-19, and
13 I had some personal problems, but I made it today.

14 Q I'm talking about in February, on the
15 date in February.

16 A I came, but you guys wasn't here I think.
17 A couple of times I showed up, and you all kept
18 getting a continuance, so it's really not my fault.

19 MR. HUOTARI: Alison, would this be a
20 good time for five?

21 MS. LEFF: Sure. Let's go off the
22 record.

23 (There was a recess in the proceedings
24 from 1:50 p.m. to 1:58 p.m.)

1 MS. LEFF: Let's go back on the record.

2 BY MS. LEFF:

3 Q Mr. Brown, I want to talk to you now
4 about your eagerness to help the prosecutors. Okay?

5 A Okay.

6 Q Before Patrick's retrial in 2018, you
7 talked to State's attorney Jim Brown, correct?

8 A Was that down here at this place where
9 I'm at, the State's attorney, whatever you call
10 this? If that's his name.

11 Q Mr. Brown, I think you may be breaking up
12 a bit. Are you able to set your phone down instead
13 of holding it?

14 A Are you talking about the State's
15 attorney, the one that was here for this deposition,
16 the first deposition I did here?

17 Q So, the deposition that you gave was
18 taken by the lawyers for the Defendants in this
19 civil case. I'm talking about a criminal prosecutor
20 from the Winnebago County State's Attorney's Office.

21 A I don't remember what that guy's name
22 was. I can't remember his name. I know I spoke
23 with someone that was representing the police
24 officers that was being sued by your firm.

1 Q So, I'm asking about something a bit
2 different. So, before this case, this civil case
3 that Patrick is bringing, Patrick was being tried
4 for the Andrew Ascher murder in 2018.

5 Do you remember that, that he went to a
6 second trial?

7 A Uh-huh. Oh, yes, yes, yes, I recall,
8 yeah.

9 Q So, you agree that before Patrick's
10 retrial in 2018, you talked to the State's attorney
11 again, correct?

12 A Yes.

13 Q And after that, you were actually
14 contacted by Patrick's criminal defense lawyers. Do
15 you remember that?

16 A Yes.

17 Q And you met Patrick's lawyers at a
18 McDonald's?

19 A Yes.

20 Q And you talked to a lawyer investigator.
21 Do you remember that?

22 A Yes.

23 Q And during that meeting, you told
24 Patrick's lawyer that you had not talked to the

1 State's attorney, correct?

2 A No, I hadn't talked to him, no. The only
3 thing I can say for the record, when I got done
4 talking with them, I contacted the State's attorney
5 and told them that Patrick's lawyer had called me,
6 and that was it. That was the only thing it was.
7 So, I may have talked to the State's attorney before
8 them, yes, I believe that is correct.

9 Q So, you believe you talked to the State's
10 attorney first?

11 A Right.

12 Q And then you talked to Patrick's criminal
13 defense attorney, correct?

14 A Yes.

15 Q And then you contacted the State's
16 attorney again to let the State's attorney know that
17 you talked to Patrick's criminal defense attorney,
18 correct?

19 A Yes.

20 Q And when you talked to Patrick's criminal
21 defense attorney, you told him that you had not
22 talked to the State's attorney, correct?

23 A I can't remember. I may have, I can't
24 remember.

1 Q Let's take a look at what I'll ask the
2 court reporter to mark as Exhibit 7.

3 (Exhibit 7 was marked for
4 identification.)

5 Q Mr. Brown, can you see Exhibit 7?

6 A Uh-huh.

7 Q This is a copy of text messages that you
8 sent to Jim Brun. Do you agree with that?

9 A Yes.

10 Q It's says Saturday, October 27. Do you
11 see that?

12 A Yes.

13 Q I'm going to ask you to take a look at
14 the second page.

15 MS. LEFF: For the record, this is a
16 14-page document with Bates label Pursley 014192 on
17 the first page.

18 Q So, taking a look at the second page of
19 the exhibit, the text message was sent on Sunday,
20 October 28th at 7:45 a.m. You write: I got a text
21 from Patrick Pursley lawyer, wanted to know have I
22 heard anything from you. So, we're continuing on
23 page 14194, and I told him no. I even told him and
24 his investigator that he had with him the day we met

1 at McDonald's, when I call you that I have not been
2 contacted by you, which I didn't call you myself, so
3 we have no idea we talked, and it's cut off a bit.
4 And then it says anything from you. And I told
5 him -- oh, sorry. So, you had no idea we talked.
6 They are hoping I assume by you not contacting me
7 it's a good chance the State might not pursue this
8 case again on Patrick.

9 Did I read that correctly?

10 A Yes. That's my text.

11 Q You sent those text messages to Jim Brun,
12 correct?

13 A Yes.

14 Q So, you're telling Jim Brun that
15 Patrick's lawyer asked you if you talked to the
16 State's attorney, right?

17 A Yes.

18 Q And you said you had not talked to the
19 State's attorney, that's what you told Patrick's
20 lawyer, right?

21 A Yes.

22 Q Even though you had, correct?

23 A Yes.

24 Q So, in other words, you lied to Patrick's

1 attorney, right?

2 A It wasn't a lie. The reason I told them
3 that is because I was being represented by the
4 State's attorney, so I really didn't feel that I had
5 to give you guy's that information.

6 Q So, you told Patrick's lawyer that you
7 had not talked to the State's attorney when actually
8 you had, because it was your belief that you were
9 represented by the State's attorney?

10 A Yes.

11 Q Is that the same reason that you reached
12 out to the State's attorney after talking to
13 Patrick's criminal defense attorney to let the
14 State's attorney know?

15 A I don't understand what you're saying.

16 Q Did you contact the State's attorney
17 after you talked to Patrick's criminal defense
18 attorney to let the State's attorney know that that
19 occurred, because you believed that the State's
20 attorney represented you?

21 A I contacted him because I believed that
22 that was the right thing to do by me for operating
23 against Patrick Pursley's case. So, I felt that it
24 was my responsibility to contact them and let them

1 know that Patrick Pursley's lawyer had contacted me.
2 I didn't see nothing wrong with that. I did that on
3 my own. It wasn't like the State's attorney called
4 me. I called him, I texted him.

5 Q You wanted to be cooperative with the
6 State's attorney, right?

7 A Yes.

8 Q You wanted to be forthcoming with the
9 State's attorney, right?

10 A Listen, all the trick questions that
11 you're saying, I told you direct. I just felt that
12 I should have contacted them because I felt that
13 they were representing me on the case. That's it.
14 I'm going to leave it at that.

15 Q In fact, you reached out to the State's
16 attorney's office twice in 2017 offering to help
17 with Patrick's case, correct?

18 A Yes.

19 Q You wrote two letters, right?

20 A Yes.

21 Q You wrote one letter in November of 2017,
22 is that right?

23 A Somewhere around there. I don't remember
24 what date, but the letters are from me, yes.

1 Q I'm sorry, in January of 2017 -- or no,
2 in November. Do you recall that?

3 A I recall that I sent the letters and they
4 are from me. I don't remember what month, but the
5 letters are from me, yes.

6 Q Did you also call Crime Stoppers about
7 Patrick Pursley in 2017?

8 A I don't recall. I may have.

9 Q I'm going to slow you what I'll ask the
10 court reporter to mark as Brown Exhibit 8.

11 (Exhibit 8 was marked for
12 identification.)

13 MS. LEFF: This is a five-page document
14 that begins with PURSLEY 014203.

15 Q Mr. Brown, can you see Exhibit 8?

16 A A little bit, yes.

17 Q I'm going to ask you to take a look at
18 the second page, PURSLEY 01204. This is the letter
19 that you wrote to the State's attorney in November
20 of 2017, correct?

21 A Yes.

22 Q And at the top -- this is your
23 handwriting on this page, correct?

24 A Yes.

1 Q And you write: To the State's attorney
2 who is handling Patrick Pursley's case, my name is
3 Lester Brown. I was the State witness in 1994
4 against Patrick Pursley. I read in the paper he's
5 trying to get a new trial or get release on a
6 wrongful conviction. Let me give you some insight
7 on this guy, correct?

8 A Yes.

9 Q So, you wrote this letter because you
10 were looking for another deal, correct?

11 A I don't recall no other deal, no.

12 Q I'm going to ask you to take a look at
13 the page that's labeled PURSLEY 014206. I'm going
14 to read from the highlighted portion. You say: I
15 don't know if Crime Stoppers contacted you. Called
16 them a month ago to tell them I will help the State
17 if he gets a new trial, but I got a new release now.
18 If you need me at this coming hearing, I got to have
19 a recon bond. I'm not staying in this jail or
20 saying that this is a high-profile case.

21 Did I read that correctly?

22 A Yes.

23 Q So, in other words, you're offering to
24 help with Patrick's case if the prosecutor can get

1 you out on bond, correct?

2 A No. I said that because I didn't want to
3 help them and be in jail. And then my case, the
4 case with my name, people being in jail, because
5 they watch -- the inmates watch the news. So,
6 that's why I said I would have to be out on bond.

7 Q So, you want to help, right?

8 A Yes.

9 Q But you're telling the prosecutor if I
10 help, I can't do it from jail, right?

11 A Exactly.

12 Q I think you testified you wrote another
13 letter offering to help the prosecution, correct?

14 A If you show it to me, I probably can
15 recall it. I don't know, I might have.

16 Q All right, let me show you, then, what
17 I'll ask the court reporter to mark as Exhibit 9.

18 (Exhibit 9 was marked for
19 identification.)

20 MS. LEFF: Exhibit 9 is a five-page
21 document that starts with PURSLEY 014208. Do you
22 see Exhibit 9, Mr. Brown?

23 A No.

24 Q You can't see it? It's too small?

1 A I can't see it.

2 Q What do you see?

3 A An envelope.

4 Q An envelope, okay. I'm going to scroll

5 down and take a look at this page.

6 A Okay, I see it.

7 Q Do you see your letter now?

8 A Yes.

9 Q Is that your handwriting?

10 A Yes.

11 Q And it says: To State's attorney who is

12 handling Patrick Pursley's murder case, is that

13 right?

14 A Yes.

15 Q And it's dated August 31, 2017, is that

16 right?

17 A Yes.

18 Q And at this time you were in prison,

19 correct?

20 A I'm not sure. Where did the letter come

21 from? Where is it stamped from?

22 Q 1680 East Singer Drive in Freeport,

23 Illinois.

24 A No, I wasn't in prison, no.

1 Q Where were you then?

2 A I might have been in jail.

3 Q You were in jail at the time?

4 A Yes.

5 Q In Stephenson County, is that correct?

6 A Yes.

7 Q And at the bottom of the last page of the
8 letter, is that your signature?

9 A Yes.

10 Q So, again, in this letter from
11 August 2017, you're, again, offering to provide
12 testimony against Patrick, correct?

13 A Yes.

14 Q And you're again asking for help to get
15 out of your case, your criminal case, correct?

16 A No -- what does it say? Read it to me.

17 Q It says at the bottom: Anyway, if the
18 State let me return to drug court, when I beat this
19 case, I will help you the best I can.

20 Did I read that correctly?

21 A What did you say now?

22 Q So, you're saying if the State let me
23 return to drug court, when I beat this case, I will
24 help you the best I can, correct?

1 A No, that's not correct. You didn't
2 understand the letter. I said if the State let me
3 return, that means when I got out, when I beat the
4 case, then I will help them. I didn't ask them to
5 help me, I was saying -- because I knew I was going
6 to beat the case. So, I was saying if they let me
7 return back to drug court, I will help them, because
8 when I'm on drug court, I can help them. That's not
9 correct.

10 Q So, you were offering to help with
11 Patrick Pursley's prosecution, right?

12 A That's on my own, without no help from
13 the State.

14 Q But you're saying that in order to help,
15 you needed to return to drug court, right?

16 A If I get out on drug court, nothing about
17 them getting me no help. It wasn't no plea bargain
18 that I wanted from the State, no, that's not
19 correct.

20 Q So, in the past, testifying against
21 Patrick was a tool for you to get help from the
22 prosecutor with your criminal cases, correct? Is
23 that correct?

24 A I keep getting calls. I didn't hear what

1 you said.

2 Q I said in the past, testifying against
3 Patrick was a good tool for you to get help from the
4 prosecutor in your criminal case, correct?

5 A No, that's not correct.

6 Q You value your relationship with the
7 State's attorney, correct?

8 A No.

9 Q And you're willing to lie to Patrick's
10 attorneys to help the State, right?

11 MR. IASPARRO: Michael Iasparro. Object
12 to form.

13 A No.

14 Q Mr. Brown, when did you get out of prison
15 from your 1993 conviction?

16 A 2006.

17 Q So, you did 13 years, is that right?

18 A And some months. I was in a halfway
19 house, so I really wasn't done with my sentence,
20 because I was halfway in and halfway out. So, I
21 really wasn't done with my sentence until 2007.

22 Q Mr. Brown, are you able to sit down your
23 phone. I think it might be easier to hear you if
24 you're not holding your phone.

1 A I said I was released to the halfway
2 house, so I really wasn't out. I was halfway in and
3 halfway out, but I really wasn't done with my
4 sentence until 2007 when I was done with the halfway
5 house.

6 Q Gotya. When was the next time that you
7 were arrested after 2007?

8 A I can't remember.

9 Q Have you been back in jail since your
10 release in 2007?

11 A Yes.

12 Q Have you been back in prison?

13 A Yes.

14 Q When was that?

15 A I believe it was in 2000 -- I don't know.
16 It was somewhere between 2008 and 2016, somewhere
17 around there.

18 Q Did you serve a sentence that was longer
19 than a year?

20 A No.

21 Q Have you held any jobs since 2007?

22 A Yes.

23 Q What's the first job that you held after
24 you got out of prison in 2007?

1 A Self-employed maintenance, laborer, then
2 I worked for Green's Property in 2019.

3 Q What did you do for Green's Property?

4 A I managed the apartments, and I was the
5 head maintenance man.

6 Q How long did you hold that job?

7 A Almost a year.

8 Q Until 2020?

9 A Close to it.

10 Q Between when you were self-employed doing
11 maintenance work in 2007 and your job with Green's
12 Property in 2019, did you hold any other jobs?

13 A No.

14 Q And then after your job with Green's
15 Property, did you hold any jobs?

16 A Yes, still self-employed.

17 Q So, you're self-employed again currently?

18 A Yes.

19 Q And are you still doing work?

20 A Yes, I'm getting work.

21 Q Mr. Brown, were you using drugs in 1993?

22 A Marijuana and cocaine I believe.

23 Q Any other drugs that you were using in
24 1993?

1 A I can't recall.

2 Q Why didn't you testify at Patrick's first
3 trial?

4 A Because they didn't need me. They had
5 enough evidence on Patrick, so they didn't need me.

6 Q Who told you that they didn't need you?

7 A Didn't nobody tell me that, I assumed it,
8 because they found him --

9 Q When was the first time that you met with
10 the State's attorney who was prosecuting Patrick's
11 case in 1993?

12 A I can't recall. I don't remember.
13 Besides that meeting, I think that was the first --
14 when I had that meeting, and they came with my
15 lawyer and we went to that room, I think that's the
16 first time.

17 Q The meeting that we talked about already
18 today?

19 A The one we talked about today when you
20 asked me did the State's attorney ever leave the
21 room.

22 Q Okay. So, the meeting with Howard
23 Forrester, is that what you're talking about?

24 A Yes, that's the first time I talked with

1 him. You're talking about in 1993, right?

2 Q Right. Do you remember what the
3 prosecutor said to you during that meeting?

4 A No.

5 Q Do you remember what Howard Forrester
6 said to you during that meeting?

7 A To tell the truth, that's it.

8 Q Howard Forrester said that to you?

9 A Yeah.

10 Q What else did he say to you?

11 A He told me I was under oath, that's it.
12 He told me I was under oath and to tell the truth,
13 and that was it.

14 Q That's all you remember?

15 A Yep.

16 Q Do you remember what the process was for
17 putting your statement together, how your statement
18 got from your words to the page?

19 A No.

20 Q Do you remember anyone telling you to
21 initial the page?

22 A Yes.

23 Q Who told you to do that?

24 A I can't remember. I don't remember if it

1 was my lawyer or the State's attorney. I just
2 remember it was one of those guys inside the office
3 that passed me the paper. I read it carefully,
4 front and back, and then I signed my initials on it.

5 Q Your lawyer who was with you when you
6 gave your statement to the Rockford Police, is that
7 the same lawyer whose name was on the plea agreement
8 papers that we looked at earlier today?

9 A Yes, I think Mark Danielson. I think
10 that was his name, yeah.

11 Q When did you -- did you ever believe that
12 you would be testifying at Patrick's first trial?

13 A Yes.

14 Q When did you learn that you would not be
15 testifying at Patrick's first trial?

16 A After the trial was over with. I believe
17 I was -- I think it was inside the jail when it was
18 on TV or something. I can't remember, to be honest
19 with you. But I just remember -- I just noticed
20 they didn't call me to come to trial, but I was
21 prepared to go to trial, but they never called me.

22 Q Did anybody contact you and say, hey,
23 Mr. Brown, we don't need you after all, you're not
24 going to be testifying?

1 A No.

2 Q No one talked to you about it at all?

3 A No.

4 Q When did you first learn that you were
5 going to be testifying at Patrick Pursley's
6 sentencing hearing?

7 A I believe my lawyer contacted me.

8 Q And I want to be clear that I am not
9 asking you to share any information about
10 conversations that you had with your lawyer. Those
11 conversations are privileged, and you should not
12 testify to that fact. Okay?

13 A Okay.

14 Q Did you meet with the prosecution to
15 prepare your testimony for the sentencing hearing?

16 A I don't recall.

17 Q You don't remember whether you did or you
18 didn't?

19 A No, I really don't. I don't believe I
20 did, but I really don't remember. The only person I
21 remember being with is my attorney, Mark Danielson.

22 Q How did it come to pass that you
23 testified at Patrick's second trial?

24 A I believe I was -- I was somewhere, and I

1 don't remember where I was, but someone contacted
2 me. I think it was a lawyer. Someone contacted me,
3 and we talked, and asked me did I remember Patrick
4 Pursley's trial back in 1993. And then they gave me
5 paperwork with my statement in it. And I read it,
6 and that's how I came back in contact.

7 Q Was the person who asked you those
8 questions a lawyer for the State, a State's
9 attorney?

10 A I think he was representing Patrick's
11 case against the lawsuit attorney for the law case.
12 I think he was representing the police officers on
13 the case. But I do remember when he came and talked
14 to me, he told me, listen, he said, I just want you
15 to tell the truth and do you remember this case.
16 And then I told him yes, and he gave me the
17 statement from back in 1993, and I read it. And he
18 says, is everything on this statement correct? And
19 I told him yeah, and that was it. We talked for
20 about five minutes.

21 Q And you're saying you think that person
22 represented the police officers in this lawsuit?

23 A Yes.

24 Q Do you remember the person's name who you

1 talked to?

2 A No.

3 Q Was it Michael Iasparro, do you know?

4 A I don't remember the guy's name. I just
5 know him when I see him.

6 Q Was it a person who was at your
7 deposition when you gave your deposition in this
8 case?

9 A I can't hear you.

10 Q Was the person who you talked to before
11 you testified at Patrick's retrial one of the
12 lawyers who was at your deposition in this case?

13 A Oh, you said his retrial on the -- no,
14 that wasn't the same guy that I talked to. The guy
15 that I talked to was a -- he was a State's attorney.

16 Q Was that Jim Brun, the same guy you were
17 texting with?

18 A Yes, I think that's who he is, yes.

19 Q When did you first talk to Jim Brun about
20 Patrick's second trial?

21 A Maybe about a couple of months before his
22 second trial started.

23 Q How did Mr. Brun get in contact with you?

24 A I think someone called me on the phone.

1 Q And what did he say to you when he called
2 you on the phone?

3 A I think he said that he was the attorney
4 that was on the case against Patrick Pursley, and
5 would I be willing to talk to him about the case, to
6 come down and go over my statement. I think that's
7 what it was, and that was it.

8 Q What did you say to him?

9 A I told him yeah, I came down, and he
10 showed me the same statement. We sat in a room and
11 asked me was -- I think there was a reporter there
12 too, and asked me was everything correct on the
13 statement that I signed my initials, and I told him
14 yeah. It took about 20 minutes.

15 Q You went down to the State's Attorney's
16 Office, is that right?

17 A Yeah, I think that's where it was, the
18 State's Attorney's Office, yes.

19 Q Okay. And you met with the State's
20 attorney, and you think there was a reporter there?

21 A I think it was a reporter. I know it
22 was -- it was either a reporter or an investigator.

23 Q Okay. Was there anybody else present
24 besides the reporter, investigator, the attorney and

1 you?

2 A I can't remember. I just know it was two
3 people I know for sure.

4 Q And when you say a reporter, you're
5 talking about an employee of the State's Attorney's
6 Office, or you're talking about, like, a news media
7 reporter?

8 A No, not no news media reporter. I think
9 it was an investigator.

10 Q Were you promised anything in exchange
11 for your testimony at Patrick's second trial?

12 A No. Why would I be promised something?
13 I wasn't in no trouble. I was out.

14 Q Why did you agree to testify at Patrick's
15 second trial? What was in it for you?

16 A Nothing. That's what I'm trying to tell
17 you. I had nothing to lose or nothing to gain.

18 Q So, why did you agree to it?

19 A Because I wanted to get the truth out
20 again.

21 Q Do you want Patrick to stay in jail, in
22 prison?

23 A To be honest with you, I really honestly
24 feel that Patrick did do the murders. Even though I

1 wasn't there, just by the statement that he gave me
2 when I went to see him at the county jail, when he
3 told me to go kill the guy, so I believe he did it.

4 He didn't admit -- he didn't tell me,
5 yes, I killed the guy, so I wouldn't lie on that.
6 I'm not -- but what I am being honest is, when I
7 went down there, if you guys get the tape, you all
8 can see from the county jail that I wasn't lying.
9 All you got to do is rewind the tape, because they
10 have recording phone calls.

11 And he did tell me to go on Rockton -- I
12 remember specifically what he told me. He told me
13 to go on Rockton and look, it was a brick house
14 and --

15 Q Can I stop you for a second because
16 you're not quite answering my question.

17 So, my question was a little different.
18 My question is whether when you testified at
19 Patrick's second trial, you wanted to see Patrick
20 stay in prison. Did you want that?

21 A I wanted justice to be served, and I'm
22 going to leave it at that.

23 Q Did you want Patrick to stay in prison,
24 though?

1 A If he was found guilty, which I feel that
2 he was guilty, yes.

3 Q So, instead of saying that the reason
4 that agreed to give that testimony was to help keep
5 Patrick in prison, is that right?

6 MR. IASPARRO: Mike Iasparro, object to
7 the form of the question.

8 MR. MOGBANA: I'll object to form also.
9 This is Ifeanyi, City of Rockford.

10 MR. HUOTARI: I'll join.

11 Q Correct?

12 A No. Justice, like I just said.

13 Q After you met with Jim Brun, an
14 investigator, and you looked over a copy of your
15 statement, when was the next time that you talked to
16 the State's attorney about Patrick's second trial?

17 A I think maybe the second time I came to
18 court I believe. I don't know. I know it was a
19 courtroom in the hallway.

20 Q Was that the day that you gave your
21 testimony?

22 A Yes.

23 Q Other than the meeting in the State's
24 Attorney's Office and the meeting in the courtroom

1 in the hallway, did you have any other meetings with
2 Jim Brun about Patrick's second trial?

3 A I don't believe so.

4 Q Did you have any meetings with anyone
5 else at the State's Attorney's Office about
6 Patrick's second trial?

7 A No.

8 Q When you had your meeting in the hallway
9 before you gave your testimony in 2018, who was
10 present?

11 A I believe it was just me and him.

12 Q What did he say to you?

13 A Just asked me was I ready to testify, and
14 I told him yeah. And then he told me I would be
15 coming up soon. He told me to have a seat.

16 Q What else did he say to you?

17 A That was it.

18 Q Do you recall that your testimony at the
19 second trial was very brief?

20 A Yes. I was shocked.

21 Q You were shocked?

22 A Yes.

23 Q Why were you shocked?

24 A I thought it was going to be more

1 questions like the questions that you was asking me.

2 Q Do you know why your testimony was so
3 brief?

4 A No.

5 Q Did you ask anyone?

6 A No.

7 Q Why not?

8 A I don't know. I just did what I was
9 supposed to do and what I thought that I should do,
10 and that was it. Went in to testify like I was
11 supposed to and that I agreed to, and then I went
12 home.

13 Q Were you disappointed that your testimony
14 was so brief?

15 A No. Why?

16 Q I didn't catch your answer.

17 A I said no. Why would I be disappointed?

18 Q Well, you told us that you wanted to help
19 do justice. Did you feel like you were able to help
20 just giving such a short amount of testify?

21 A I felt I answered what I was required to
22 answer. I felt that was good enough, and that was
23 it.

24 Q You said before that you were afraid of

1 Patrick Pursley, is that correct?

2 A Back in the days, yes.

3 Q If you were afraid of Patrick Pursley in
4 1993, why did you testify against him?

5 A He was locked up.

6 Q So, as long as Patrick Pursley was locked
7 up, you didn't have anything to fear, correct?

8 A Yes.

9 Q So, you've told us today that you had a
10 conversation with one of the attorneys who
11 represents the Defendants in this case, right?

12 A Yes.

13 Q And you don't remember who it was, right?

14 A Huh-uh.

15 Q But it was a man?

16 A He was an attorney for the police
17 officers.

18 Q When was that?

19 A I don't know. It had to be probably
20 about seven, eight months ago.

21 Q Was it before or after the first part of
22 the deposition that you gave?

23 A It was before the deposition -- my first
24 deposition.

1 Q Have you told me everything that you
2 remember about that conversation?

3 A Yes.

4 Q Have you had any other conversations with
5 that attorney?

6 A No.

7 Q Have you had conversations with any other
8 attorneys who represent people in this case?

9 A No.

10 Q Who else have you talked to about this
11 case?

12 A No one.

13 Q Have you talked to any of the Crabtrees?

14 A No.

15 Q Have you talked to any family members?

16 A Which family members?

17 Q Any members of your family?

18 A No.

19 Q Have you talked to any of your friends?

20 A No.

21 Q Have you talked to any mutual
22 acquaintances between you and Patrick?

23 A No.

24 Q Have you talked to anybody from the

1 State's Attorney's Office about your testimony in
2 this case?

3 A Not on the lawsuit, no.

4 Q How about anybody from the federal
5 prosecutor's office?

6 A No.

7 Q When is the last time that you talked to
8 anyone from the U.S. Attorney's Office?

9 A You're talking about with the lawsuit or
10 with the criminal?

11 Q For Patrick Pursley?

12 A The last time I remember talking with
13 somebody is the last time he went to court. When
14 they had me go to court the last time, I was at the
15 court, the trail case, that was the last time I
16 remember.

17 Q Before Patrick's trial in 2018?

18 A That's the last time I remember talking
19 with the State's attorney.

20 Q And how about the federal prosecutor, do
21 you remember talking to anybody at the -- when is
22 the last time you talked to anybody from the federal
23 prosecutor's office?

24 A The last time I talked with someone from

1 the federal prosecutor was in 1993. Why would I
2 talk to them anyway?

3 MS. LEFF: I don't have any other
4 questions right now, so I'll turn it over to defense
5 counsel.

6 EXAMINATION

7 BY MR. HUOTARI:

8 Q I've got a few questions. This is Joel
9 Huotari. Mr. Brown, I represent a handful of the
10 Defendants in the civil case, and I've just got a
11 handful, a short handful of questions for you.

12 I want to go back. Earlier you were
13 shown an exhibit marked as Exhibit No. 2.

14 A I can't hear you.

15 Q Sorry. Can you hear me okay?

16 A Yes.

17 Q You were shown a letter that you wrote to
18 the prosecutor named Cowski. It was marked as
19 Exhibit 2 earlier this morning. And in that letter
20 to Mr. Cowski, you had mentioned receiving some
21 threats from Patrick Pursley.

22 Do you recall receiving threats from
23 Patrick Pursley?

24 A No, but I do recall when I was in the

1 federal prison, I got a letter from a relative of
2 mine. And he was telling me to be careful, because
3 I guess Patrick was in prison and was talking about
4 that I had testified against him. I didn't get no
5 letter personally from Patrick, no. And I don't
6 remember writing no letter saying Patrick directly
7 threatened me, because he had not. I haven't even
8 seen Patrick. The only time I seen Patrick is when
9 we went to court.

10 Q Okay. And when did you receive that
11 letter from Patrick's relative that -- was it
12 Patrick's relative or your relative that sent you
13 the letter?

14 A No, it wasn't Patrick's relative. It was
15 a relative of mine, and he was just telling -- I
16 didn't get the letter directly from him because he
17 was in prison from Patrick. I got the letter from
18 another family member that he relayed the message
19 to, and they sent the letter to me.

20 Q Okay. So, what I'm referring to is back
21 in the '93, '94 time frame when you owed Patrick
22 some money, he was trying to get you to either rob a
23 bank to pay him or to eliminate that witness,
24 Marvin, right?

1 A Yes, that how I knew about the bank
2 robbery because Patrick had already robbed it, yeah.

3 Q And around that time, was Patrick
4 reaching out to your wife and making some threats to
5 your wife?

6 MS. LEFF: I'm just going to object that
7 this is beyond the scope of the direct exam since
8 defense counsel already conducted their portion of
9 the deposition.

10 A Yes, he was contacting Alicia Sockwall,
11 who was my wife, and telling her -- making threats
12 about if I didn't bring him his money and his
13 walkie-talkie, what he was going to do to me. So, I
14 finally made it over there and took him his police
15 walkie-talkie. But I told him I needed time to pay
16 him the money, and I never paid him his money.

17 Q And what did he say he was going to do to
18 you if you didn't pay him his money?

19 A I can't remember exactly what he said,
20 but I felt uncomfortable.

21 Q Did you think that he was capable of
22 making good on those threats? Mr. Brown, can you
23 hear me okay?

24 A Yes. Yes, I felt he was making good on

1 those threats.

2 Q And why were you afraid of him in that
3 era, in the '93, '94 time frame?

4 A Because I used to hang with Patrick, and
5 we was crime partners. We used to do robberies. He
6 mostly handled all the guns. I never seen him shoot
7 no one, but I seen him threaten other people and
8 pull guns on people that we robbed before, so that's
9 why I feel threatened.

10 Q And he --

11 A He was also erratical.

12 Q I'm sorry?

13 A He was also military and erratical, so I
14 just felt threaten by him because I knew what type
15 of person he was.

16 Q Had you observed him beat Samantha
17 Crabtree or Theresa Crabtree on occasion?

18 A Yes, he used to -- when I would come over
19 there, he would always make her go in the room and
20 push her around, make her cry, stuff like that. I
21 never really haven't seen him beat her, beat her,
22 but I seen him kind of like rough her up and make
23 her go out of the room while we was talking about a
24 crime that we was going to do together.

1 Q Did you observe Samantha Crabtree with
2 black eyes that Patrick had given her?

3 A Yes, a couple of times. And the reason I
4 was able to observe this was because I used to date
5 Theresa, which is Samantha's sister. I used to go
6 over to the house, and she used to have black eyes
7 and stuff like that. And Theresa used to tell me
8 what was going on with her and Samantha, so I was
9 aware of what was going on.

10 And then after that, I guess Patrick
11 stopped me from coming over to the house. And he
12 told Theresa that I couldn't come over to the house
13 no more. So, I don't know, I guess he thought that
14 she was telling me too much information about what
15 was going on.

16 Q You were also shown a document marked
17 Exhibit 3 this morning. And for the record, you're
18 on your phone, so you can't really read these
19 documents today, can you?

20 A No.

21 Q You can see the document generally, you
22 can tell if it's your handwriting or not, but you
23 can't actually read the text on any of these
24 exhibits, can you?

1 A No.

2 Q Well, Exhibit 3 was your statement given
3 to detective Howard Forrester back in December,
4 December 29th of 1993. I'm just going to read you a
5 portion of that, and I want to see if you can
6 confirm the accuracy of this statement.

7 This statement you gave goes through your
8 casing of the bank with Samantha Crabtree. And then
9 it goes on to say, and this part is a direct quote
10 from your statement that you signed: Quote, we then
11 left the area, and we were driving westbound on
12 Harrison Avenue. After we passed the McDonald's on
13 Harrison and had went about three blocks, Samantha
14 pointed to her left (south) and said, quote, that's
15 where Patrick killed that guy, end quote.

16 I saw some buildings set way off the
17 road. She said that they were supposed to be going
18 to do a burglary while she sat out and watched.
19 Patrick saw this white guy in his car in front of
20 his house. Patrick pulled down his ski mask and ran
21 down to the guy's car and told the guy that it was a
22 stickup.

23 She said that she saw the guy give
24 Patrick his money. Samantha heard Patrick tell the

1 guy, quote, give me your wallet, end quote. They
2 appeared to be arguing, and Patrick put the gun to
3 the guy's head and shot him. He then ran back to
4 the car about half a block away and got in, then
5 they left.

6 That's a quote from your statement that
7 you gave Detective Forrester. Is that a true and
8 accurate description of what Samantha Crabtree told
9 you that day?

10 A Yes. From going over that statement now,
11 yes, I do remember that and I recall that, yes.

12 Q And Samantha told you that while you were
13 in the car with her driving by that location?

14 A Yes.

15 Q And the guy that was shot that she's
16 referring to there, is that a reference to Andy
17 Ascher?

18 A Yes.

19 MS. LEFF: I object, calls for
20 speculation. Can we take a five-minute break?

21 MR. HUOTARI: I'm kind of in the middle
22 of this. Do you need a break right now, or can I
23 complete my questioning first?

24 MS. LEFF: If we can take a break, I'd

1 appreciate it.

2 MR. HUOTARI: Sure. We're going to take
3 five, Mr. Brown.

4 THE WITNESS: All right. This will be
5 the last break because I have to go.

6 MR. HUOTARI: Yeah, I'm almost done.
7 Thank you.

8 MS. LEFF: Thank you, I appreciate it.

9 (There was a recess in the proceedings
10 from 2:46 p.m. to 2:51 p.m.)

11 BY MR. HUOTARI:

12 Q Mr. Brown, picking up where we left off,
13 we were talking about that Exhibit 3 you were shown,
14 which was your statement to Howard Forrester from
15 December of 1993.

16 A Uh-huh.

17 Q In that statement on the third page, you
18 told the police: Quote, I asked Samantha if I could
19 use one of Patrick's 9 millimeters. This is for the
20 bank job. Sam told me that the police had the 9
21 millimeters that she had brought for Patrick.

22 Do you recall Patrick having two 9
23 millimeters back in '93, '94?

24 A Yes, I recall that he had two or more.

1 Patrick always had several guns around the house.

2 Q Can you describe the 9 millimeters he
3 had.

4 A Yes. One was black, and he had one that
5 was silver and black with a black and silver handle.

6 Q Did he have any with brown handles?

7 A I don't recall.

8 Q Did you ever use any of his 9
9 millimeters?

10 A No.

11 Q But you saw him with multiple guns back
12 in that time frame?

13 A Yes.

14 Q Did you ever see Samantha Crabtree with
15 any of those guns?

16 MS. LEFF: I'm just going to object again
17 that it's beyond the scope of the direct exam.

18 A No, I haven't.

19 Q Did you ever know Patrick to have any
20 work done to any of his guns?

21 MS. LEFF: Same objection, beyond the
22 scope.

23 A No.

24 Q Did Samantha Crabtree ever tell you

1 anything about the gun used in the Ascher homicide?

2 MS. LEFF: Objection as beyond the scope.

3 A No. The only thing she told me, like I
4 told you, is when I went to go pick her up and we
5 would go through the area. That's the only thing I
6 remember. She didn't tell me nothing specifically
7 about him using a certain gun.

8 Q Did Theresa Crabtree ever tell you
9 anything about the Ascher murder?

10 MS. LEFF: Objection.

11 A No.

12 Q Did Theresa ever tell you anything about
13 her sister, Sam's, decision to retract the statement
14 she had given to the police that implicated Patrick?

15 MS. LEFF: Object, beyond the scope.

16 A I can't remember. We talked a lot about
17 Patrick and Theresa, but I can't remember.

18 Q Do you recall Patrick ever saying
19 anything about Sam retracting her statement?

20 MS. LEFF: Same objection.

21 A No.

22 Q Now, you've identified in some of your
23 statements to the police that Patrick was a member
24 of the Black Gangster Disciples, is that right?

1 A Yes, both of us.

2 Q You were both members of that same street
3 gang?

4 A Yes. That's how me and Patrick were
5 hanging out, through a friend of mine named Patrice.
6 That's how we both got acquainted with each other.

7 Q So, when you were testifying against
8 Patrick, you were actually testifying against a
9 member of your own gang?

10 A Yes.

11 Q Did Sam Crabtree know Patrick was in a
12 gang?

13 MS. LEFF: Objection, calls for
14 speculation.

15 A Yes.

16 Q What was your answer, sir?

17 A Yes.

18 Q And did Theresa know that as well?

19 A Yes.

20 Q Was Patrick's membership in the gang one
21 of the reasons why Sam and Theresa Crabtree were
22 afraid of him?

23 A I don't know. I'm not sure. I think the
24 warnings and the black eyes and the threats, and

1 they know the type of militant person he acted, so I
2 think that had a lot to do with it.

3 MS. LEFF: I'm going to object and move
4 to strike on the basis of lack of foundation.

5 Q Tell me about that. You've mentioned
6 that Patrick was erratical a few times now. What do
7 you mean by that? Was this some sort of a
8 racially-motivated radical militant thing?

9 MS. LEFF: Objection, leading.

10 A Yeah, this was crazy, even though he had
11 a white girlfriend, Patrick was very racist and
12 militant. He always preached about white people,
13 what he wanted to do to white people. He listened
14 to a lot of music that was radical.

15 Q In the 1993 and 1994 time frame, did
16 Patrick ever tell you about his desire to kill white
17 people?

18 MS. LEFF: I'm going to object, it's
19 beyond the scope.

20 A Yes, he always preached on killing them
21 and robbing them. Yes, he always spoke on that.

22 Q Was that primarily the target of his
23 robberies, were white people?

24 MS. LEFF: I'm going to object, assumes

1 facts not in evidence and lack of foundation.

2 A I'm not sure on that. I'm not sure on
3 that.

4 MR. HUOTARI: Thank you, Mr. Brown. I
5 appreciate your patience today.

6 THE WITNESS: Thank you.

7 EXAMINATION

8 BY MR. IASPARRO:

9 Q Mr. Brown, this is Michael Iasparro. I
10 just have one topic I'd like to address with you.

11 When you met with Mr. Pursley at the
12 Winnebago County Jail in June of 1993, as you've
13 described it, and he told you about this person
14 named Marvin, that you understood he wanted you to
15 kill, what was your understanding of why Mr. Pursley
16 wanted you to kill the person named Marvin?

17 A Because he said that Marvin had snitched
18 on him, and he had called -- he believed that he was
19 going to call Crime Stoppers.

20 Q And at that time --

21 A And my understanding --

22 Q Go ahead, sir.

23 A My understanding was Patrick wanted him
24 out of the way. So, I feel if Patrick didn't do the

1 murder, why would you want this guy out of the way?
2 Why would you have me come down here to jail and go
3 looking for this guy if he didn't do no murder?
4 Ain't nobody going to call you to go do -- get rid
5 of someone if you ain't guilty. I wouldn't have
6 never came down there.

7 Q At that time was Mr. Pursley in custody
8 on the murder charge?

9 A Yes. And I'm not going to lie, I thought
10 about it when I got out, but I got cold feet. I
11 went to the house, I seen the guy walking down the
12 street with a dog in his hand. And I asked him did
13 he know this guy named Marvin. The guy told me he
14 didn't know him. And I just though, man, this is
15 not you. I got in my car and I drove away.

16 Q Up to that point, Mr. Brown, had you ever
17 met a person by the name of Marvin Windham?

18 A No.

19 Q Did you know Marvin Windham as of June of
20 1993?

21 A No. I only knew him from Patrick over
22 talking over the telephone in jail.

23 MR. IASPARRO: Thank you. That's all of
24 the questions that I have.

1 MR. POTTINGER: This is Robert Pottinger,
2 I do not have any questions.

3 MR. BHAVE: This is Sunil on behalf of
4 the ISP Defendants, I don't have any questions.

5 MR. MOGBANA: This is Ifeanyi on behalf
6 of the City, I don't have any questions.

7 MS. LEFF: Okay, I don't have any
8 redirect, so, Mr. Brown, I believe you're done, is
9 that correct?

10 THE WITNESS: Everybody have a nice day.

11 MS. LEFF: All right, thanks for being
12 here, we appreciate it.

13 (Off the record at 2:59 p.m.)
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ACKNOWLEDGMENT OF DEPONENT

I, LESTER BROWN, do hereby acknowledge
that I have read and examined the foregoing
testimony, and the same is a true, correct and
complete transcription of the testimony given by me,
and any corrections appear on the attached Errata
Sheet signed by me.

(DATE)

(SIGNATURE)

1 CERTIFICATE OF COURT REPORTER - E-NOTARY PUBLIC

2
3 I, Pamela L. Beck, the officer before whom the
4 foregoing proceedings were taken, do hereby certify
5 that the foregoing transcript is a true and correct
6 record of the proceedings; that said proceedings
7 were taken by me stenographically, and thereafter
8 reduced to typewriting under my supervision; and
9 that I am neither counsel for, related to, nor
10 employed by any of the parties to this case, and
11 have no interest, financial or otherwise, in its
12 outcome.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and affixed my notarial seal this 3rd day of
15 September.

16
17
18 My commission expires January 14, 2023.

19
20
21 
22

23 E-NOTARY PUBLIC IN AND FOR THE
24 COMMONWEALTH OF PENNSYLVANIA

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